



Acts and Laws

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the Twenty-fifth Day of *May* 1737, and continued by Prorogation and Adjournments to Wednesday the 30th Day of *November* following.

C H A P. XIII.

An Act for Supplying the Treasury with the Sum of Six Thousand Pounds in Bills of Credit of the New Tenor, for discharging the Publick Debts, &c. and for the drawing in the said Bills into the Treasury again.

BE it enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same,

That there be forthwith Imprinted a certain Number of Bills of Credit on this Province of the New Tenor and Form, which in the whole will amount to the Sum of Six Thousand Pounds, pursuant to the Vote or Order of this Court in their present Session, to be Signed by the Committee heretofore appointed: And the said Committee are hereby directed and Impowered to take Care and make effectual Provision so soon as may be to Imprint the said Bills, and to Sign and deliver the same to the Treasurer, taking his Receipt for the same; and the said Committee shall be under Oath for the faithful Performance of the Trust by this Act reposed in them, and be rewarded for their Service as they were for Signing the last Bills of said Tenor.

And be it further enacted by the Authority aforesaid,

That the Treasurer be and hereby is impowered and ordered to issue forth and emit the said Sum of Six Thousand Pounds, for the necessary Support and Defence of the Government, and for the Protection and Preservation of the Inhabitants

Supply of the Treasury.

1. 5000 ap-
propriated
for the Pay-
ment of
Grants, Sti-
pends, Boun-
ties, &c.

1000 l. for
discharging
of other Debts

tants thereof, viz. *Five Thousand Pounds* part of the aforesaid Sum, to be applied for the Payment of such Grants as are, or shall be made by this Court, and for the Payment of Stipends, Bounties and Premiums established by Law, and for the Payment of all other Matters and Things which this Court have or shall either by Law or Orders provide for the Payment of out of the publick Treasury, and for no other Purpose whatsoever. And the Sum of *One Thousand Pounds* shall be applied for the discharge of the Debts owing from this Province to Persons who have served or shall serve them by Order of this Court, in such Matters and Things where there is no Establishment, nor any certain Sum assigned for such Service.

Warrants to
express the
Appropriation.

And be it further enacted by the Authority aforesaid, That each and every Warrant for drawing Money out of the Treasury, shall direct the Treasurer to take the same out of such Sums as are respectively appropriated by this or any former Act, for the Payment of such publick Debts as the Draughts are made to discharge: And the Treasurer is hereby directed and ordered to pay such Money out of such Appropriations as directed to, and no other, upon Pain of refunding all such Sum or Sums as he shall otherwise pay; and to keep exact and distinct Accounts of all Payments made out of such appropriated Sums; and that the Secretary to whom it belongs, to keep the Accompts of Charge, be directed to lay before the House all such Accompts when desired after Payment thereof.

Fund of
1. 6000 in a
Tax appor-
tioned on the
Towns.

And be it further enacted by the Authority aforesaid, That as a Fund and Security for the drawing in, and Re-payment of the said Bills into the publick Treasury, and to no other Use and Purpose whatsoever, there be and hereby is granted unto His Most Excellent Majesty, a Tax of *Six Thousand Pounds* to be levied on Polls and Estates both real and personal, and by no other Way, within this Province: And that each Town and District be assessed and pay as such Towns and Districts Proportion of the aforesaid Sum of *Six Thousand Pounds*, the Sum affixed to such Towns respectively as follows, That is to say,

In the County of Suffolk.

	l.	s.	d.
Boston, One thousand and eighty pounds	1080	00	00
Roxbury, Fifty two pounds six shillings	52	06	00
Dorchester, Fifty one pounds ten shillings	51	10	00
Hingham, Fifty six pounds sixteen shillings	56	16	00
Brantrey, Forty nine pounds and six pence	49	00	06
Weymouth, Thirty three pounds eight shillings	33	08	00
Medfield, Twenty five pounds eight shillings and six pence	25	08	06
Medway, Eighteen pounds five shillings and six pence	18	05	06
Deidham, Thirty nine pounds fourteen shillings and six pence	39	14	06
Milton, Twenty five pounds one shilling and six pence	25	01	06
Wrentham, Thirty seven pounds twelve shillings and six pence	37	12	06
Stoughton, Twenty nine pounds sixteen shillings and six pence	29	16	06
Needham, Twenty two pounds five shillings and six pence	22	05	06
Bellingham, Ten pounds eighteen shillings	10	18	00
Walpole, Ten pounds seven shillings and six pence	10	07	06
Hull, Ten pounds eleven shillings and six pence	10	11	06
Brookline, Nineteen pounds thirteen shillings	19	13	00

£ 1572 15 00

In

Supply of the Treasury.

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In the County of Essex.

Salem, One hundred and seventy two pounds ten shillings	172	10	00
Wich, One hundred and sixty nine pounds	169	00	00
Newbury, One hundred forty one pounds fifteen shillings	141	15	00
Marblehead, One hundred and twenty pounds	120	00	00
Lynn, Fifty seven pounds ten shillings and six pence	57	10	06
Andover, Sixty nine pounds fifteen shillings and six pence	69	15	06
Beaverly, Forty six pounds seventeen shillings and six pence	46	17	06
Rowley, Forty five pounds ten shillings	45	10	00
Salisbury, Fifty three pounds	53	00	00
Haverhill, Fifty six pounds six shillings and six pence	56	06	06
Glocester, Seventy eight pounds ten shillings and six pence	78	10	06
Topsfield, Twenty one pounds fifteen shillings and six pence	21	15	06
Baxford, Twenty seven pounds eight shillings	27	08	00
Almsbury, Forty seven pounds	47	00	00
Bradford, Twenty five pounds ten shillings and six pence	25	10	06
Wenham, Twenty pounds eight shillings and six pence	20	08	06
Manchester, Seventeen pounds two shillings	17	02	00
Meiburn, Eighteen pounds five shillings	18	05	00
Middleton, Fifteen pounds fourteen shillings	15	14	00
Ramford, Six pounds	06	00	00
	1209	19	06

In the County of Middlesex:

Cambridge, Thirty nine pounds four shillings and six pence	39	04	06
Charlestown, One hundred and thirteen pounds three shillings & six pence	113	03	06
Watertown, Forty six pounds seven shillings	46	07	00
Concord, Fifty four pounds eighteen shillings	54	18	00
Weston, Twenty two pounds six shillings and six pence	22	06	06
Woburn, Forty two pounds nineteen shillings	42	19	00
Reading, Forty pounds sixteen shillings and six pence	40	16	06
Sudbury, Forty eight pounds nine shillings and six pence	48	09	06
Marlborough, Forty pounds four shillings and six pence	40	04	06
Lexington, Thirty pounds seven shillings and six pence	30	07	06
Newton, Thirty six pounds seventeen shillings	36	17	00
Malden, Thirty four pounds ten shillings	34	10	00
Chelmsford, Twenty seven pounds thirteen shillings and six pence	27	13	06
Billerica, Thirty pounds seventeen shillings	30	17	00
Sherburn, Eighteen pounds one shilling	18	01	00
Holliston, Twelve pounds five shillings and six pence	12	05	06
Groton, Thirty four pounds fifteen shillings and six pence	34	15	06
Framingham, Thirty five pounds eight shillings and six pence	35	08	06
Medford, Nineteen pounds two shillings	19	02	00
Stow, Seventeen pounds one shilling	17	01	00
Danstable, Ten pounds seventeen shillings	10	17	00
Dracut, Eleven pounds	11	00	00
Stoneham, Twelve pounds eleven shillings	12	11	00
Littleton, Seventeen pounds fifteen shillings and six pence	17	15	06
Hopkinton, Fifteen pounds	15	00	00
Bedford, Thirteen pounds eight shillings and six pence	13	08	06
Westford, Eighteen pounds one shilling	18	01	00
Wilmington, Eleven pounds and six pence	11	00	06
Nottingham, Seven pounds fourteen shillings and six pence	7	14	06
Tewksbury, Nine pounds eighteen shillings and six pence	9	18	06
Allen, Six pounds eleven shillings	6	11	00

1,879 . 05 . 00

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Supply of the Treasury.

In the County of Hampshire.

Springfield, Sixty five pounds twelve shillings and six pence	65	12	06
Northampton, Forty six pounds twelve shillings and six pence	46	12	06
Hadley, Thirty three pounds fifteen shillings	33	15	00
Hatfield, Twenty seven pounds sixteen shillings	27	16	00
Westfield, Twenty nine pounds two shillings and six pence	29	02	06
Suffield, Thirty six pounds twelve shillings and six pence	36	12	06
Enfield, Twenty pounds four shillings	20	04	00
Deerfield, Eighteen pounds seven shillings and six pence	18	07	06
Sunderland, Nine pounds twelve shillings and six pence	09	12	06
Northfield, Fifteen pounds	15	00	00
Brimfield, Fifteen pounds seven shillings	15	07	00
Somers, Nine pounds thirteen shillings and six pence	09	13	06
	327	15	06

In the County of Worcester.

Worcester, Nineteen pounds ten shillings	19	10	00
Lancaster, Forty four pounds ten shillings	44	10	00
Mendon, Twenty nine pounds six shillings and six pence	29	06	06
Woodstock, Thirty pounds twelve shillings	30	12	00
Brookfield, Twenty four pounds eighteen shillings and six pence	24	18	06
Southborough, Seventeen pounds one shilling	17	01	00
Leicester, Fourteen pounds eleven shillings	14	11	00
Rutland, Nine pounds three shillings and six pence	09	03	06
Lunenburg, Nine pounds fifteen shillings	09	15	00
Westborough, Seventeen pounds three shillings and six pence	17	03	06
Shrewsbury, Sixteen pounds seventeen shillings and six pence	16	17	06
Oxford, Ten pounds ten shillings	10	10	00
Sutton, Twenty pounds eighteen shillings and six pence	20	18	06
Uxbridge, Fifteen pounds three shillings	15	03	00
Grafton, Ten pounds thirteen shillings	10	13	00
Harvard, Twelve pounds two shillings	12	02	00
Upton, Three pounds six shillings and six pence	03	06	06
	306	01	06

In the County of Plymouth.

Plymouth, Fifty eight pounds six shillings	58	06	00
Plimpton, Twenty six pounds four shillings	26	04	00
Saizure, Seventy four pounds three shillings	74	03	00
Bridgwater, Sixty seven pounds eleven shillings	67	11	00
Marshfield, Forty one pounds five shillings and six pence	41	05	06
Pembroke, Twenty two pounds one shilling and six pence	22	01	06
Duxbury, Twenty two pounds one shilling and six pence	22	01	00
Middleborough, Forty six pounds nine shillings and six pence	46	09	06
Rochester, Forty one pounds nineteen shillings and six pence	41	19	06
Abington, Thirteen pounds two shillings	13	02	00
Kingston, Fifteen pounds seven shillings and six pence	15	07	06
Hanover, Eighteen pounds fifteen shillings and six pence	18	15	06
Hallifax, Twelve pounds fifteen shillings	12	15	00
	460	01	06

Supply of the Treasury.

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In the County of Barnstable.

Barnstable, Sixty seven pounds eight shillings	67	08	00
Taunton, Forty two pounds fifteen shillings and six pence	42	15	06
Sandwich, Thirty nine pounds	39	00	00
Eastham, Forty eight pounds thirteen shillings	48	13	00
Taunton, Sixteen pounds four shillings	16	04	00
Ware, Thirty one pounds thirteen shillings and six pence	31	13	06
Taunton, Twenty four pounds nineteen shillings and six pence	24	19	06
Chatham, Eighteen pounds fourteen shillings	18	14	00
Provincetown, Seven pounds fourteen shillings	07	14	00
	1	297	01 06

In the County of Bristol.

Bristol, Forty four pounds eleven shillings	44	11	00
Taunton, Fifty five pounds ten shillings and six pence	55	10	06
Norton, Thirty one pounds seventeen shillings	31	17	00
Easton, Ten pounds eight shillings and six pence	10	08	06
Dartmouth, Eighty six pounds thirteen shillings and six pence	86	13	06
Dighton, Twenty pounds and six pence	20	00	06
Robbott, Seventy pounds	70	00	00
Little-Compton, Forty three pounds fifteen shillings and six pence	43	15	06
Swansey, Forty nine pounds ten shillings	49	10	00
Tiverton, Twenty four pounds	24	00	00
Freetown, Twenty pounds two shillings	20	02	00
Attleborough, Thirty six pounds ten shillings and six pence	36	10	06
Barnstaple, Seventeen pounds	17	00	00
Raynham, Eleven pounds fifteen shillings and six pence	11	15	06
Bakeley, Twelve pounds nine shillings and six pence	12	09	06
	1	54	04 00

In the County of York.

York, Fifty two pounds eight shillings and six pence	52	08	06
Kittery, Sixty seven pounds twelve shillings	67	12	00
Berwick, Thirty five pounds six shillings	35	06	00
Wells, Twenty nine pounds fourteen shillings	29	14	00
Falmouth, Thirty three pounds sixteen shillings and six pence	33	16	06
Bliddeford, Thirteen pounds five shillings and six pence	13	05	06
Arundel, Twelve pounds seven shillings and six pence	12	07	06
Scarborough, Twenty four pounds seventeen shillings	24	17	00
North-Taunton, Eight pounds sixteen shillings	08	16	00
	1	278	03 00

In the County of Dukes-County.

Edgartown, Twenty four pounds	24	00	00
Chilmark, Twenty nine pounds eighteen shillings and eight pence	29	18	08
Tisbury, Sixteen pounds eleven shillings and four pence	16	11	04
	1	70	10 00

In Nantucket County.

Sharborn, Sixty four pounds four shillings	64	04	00
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SUFFOLK,	Fifteen hundred seventy two pounds fifteen shillings	l.	1572	15	00
ESSEX,	Twelve hundred and nine pounds nineteen shillings		1209	19	00
MIDDLESEX,	Eight hundred seventy nine pounds five shillings		879	05	00
HAMPSHIRE,	Three hund. twenty seven pounds fifteen shill. & six pence		327	15	00
WORCESTER,	Three hundred and six pounds one shilling and six pence		306	01	00
PLIMOUTH,	Four hundred and sixty pounds one shilling and six pence		460	01	00
BRISTOL,	Five hundred and thirty four pounds four shillings		534	04	00
BARNSTABLE,	Two hundred ninety seven pounds one shill. & six pence		297	01	00
YORK,	Two hundred and seventy eight pounds three shillings		278	03	00
DUKES-COUNTY,	Seventy pounds ten shillings		70	10	00
NANTUCKET,	Sixty four pounds four shillings		64	04	00
			l.	6000	00

And be it further enacted by the Authority aforesaid

That the Treasurer do sometime in the Month of June One thousand seven hundred and forty, send out his Warrants directed to the Select-men or Assessors of each Town or District within this Province, requiring them respectively to assess the Sum hereby set upon such Town and District in Manner following, that is to say, *Eighty six pounds thirteen shillings and six pence*

Rules for assessing the Tax. To assess all ratable Male Polls above the Age of sixteen Years at One shilling and six pence per Poll (except the Governour, Lieutenant Governour, and their Families, the President, Fellows and Students of Harvard College, settled Ministers and Grammar School-Masters, who are hereby exempted as well from being taxed for their Polls as for their Estates (being in their own Hands and under their actual Management and Improvement,) and other Persons (if such there be) who through Age, Infirmity or extream Poverty, in the Judgment of the Assessors, are not capable to pay towards publick Charges, they may except their Polls, and so much of their Estates as in their Prudence they shall think fit and judge meet. And all Estates both Real and Personal lying within the Limits and Bounds of such Town or District, or next unto the same, not paying elsewhere, in whose Hands, Tenure, Occupation or Possession forever the same is or shall be found, and Income by Trade and Faculty, which any Person or Persons (except as before excepted) do or shall Exercise in gaining by Money or other Estate not particularly otherwise assessed, or Commissions of Profit in their Improvement, according to their Understanding and Cunning, at One penny on the Pound, and to abate or multiply the same, if need be, so as to make up the Sum hereby set and ordered for such Town or District to pay. And in making their Assessments to estimate Houses and Lands at six Years Income of the yearly Rents in Money whereat the same may be reasonably Sett or Lett for in the Place where they lye (saying all Contracts between Landlord and Tenant, and where no such Contract is, the Landlord to reimburse one half of the Tax set upon such Houses and Lands) and to estimate Indian, Negro and Molatto Servants proportionably as other personal Estate, according to their sound Judgment and Discretion; as also to estimate every Ox of four Years old and upwards at Forty shillings, every Cow of three Years old and upwards at Thirty shillings, every Horse and Mare of three Years old and upwards at Forty shillings, every Swine of one Year old and upwards at Eight shillings, every Goat and Sheep of one Year old and upwards at Three shillings: Likewise requiring the Assessors to make a full List of said Assessment, setting forth in distinct Columns, against each particular Persons Name, how much he or she is assessed at for Polls, and how much for Houses and Lands, and how much for personal Estate and Income by Trade or Faculty. And the List or Lists so perfected and signed by them, or the major Part of them, to commit to the Collectors, Constable or Constables of such Town or District, and to return a Certificate of the Names of

Supply of the Treasury.

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Each Collector, Constable or Constables, together with the Sum Total to each of them committed, unto himself, sometime before the last Day of October then next following. And the Treasurer for the Time being, upon the Receipt of such Certificate, is hereby empowered and ordered to issue his Warrant to the Collector, Constable or Constables of such Town or District, requiring him or them respectively to collect the whole of each respective Sum assessed on each particular Person, before the last Day of March then next following, and of the Inhabitants of the Town of Boston to collect their Proportion sometime in the Month of January then next following; and to pay in their Collection and issue the Accounts of the whole at or before the last Day of May then next following, which will be in the Year of our Lord, One thousand seven hundred and forty one.

And be it further enacted by the Authority aforesaid,

That the Assessors of each Town and District respectively, in convenient Time before their making the Assessment, shall give seasonable Warning to the Inhabitants in a Town-Meeting, or by posting up Notifications in some Place or Places in such Town or District, or otherwise to notify the Inhabitants to give or bring in to the Assessors true and perfect Lists of their Polls and rateable Estates. And if any Person or Persons shall neglect or refuse so to do, or bring in a false List, it shall be lawful to and for the Assessors to assess such Person or Persons according to their known Ability in such Town, in their sound Judgment and Discretion, their due Proportion to this Tax as near as they can, agreeable to the Rules herein given, under the Penalty of Twenty Shillings for each Person that shall be convicted by legal Proof, in the Judgment of the Assessors, of bringing in a false List: the said Fines to be for the Use of the Poor of such Town or District where the Delinquent lives, to be levied by Warrant from the Assessors directed to the Collector or Constables, in manner as is directed for gathering Town Assessments, and to be paid in to the Town-Treasurer or Select Men for the Use aforesaid: Saving to the Party aggrieved at the Judgment of the Assessors, in setting forth such Fine, liberty of Appeal therefrom to the Court of General Sessions of the Peace within the County for Relief, as in Case of being over-rated. And if any Person or Persons shall not bring in a List of their Estate as aforesaid to the Assessors, he or they so neglecting shall not be admitted to make Application to the Court of Sessions for any Abatement of the Assessment laid on him.

And if the Party be not convicted of any Falseness in the List by him presented, of Polls, rateable Estate or Income by any Trade or Faculty, which he doth or shall exercise in gaining by Money at Interest or otherwise, or other Estate not particularly assessed, such List shall be a Rule for such Persons, Proportion to the Tax, which the Assessors may not exceed.

AND forasmuch as oft-times sundry Persons, not belonging to this Province, bring considerable Trade and Merchandize, and by Reason that the Tax or Rate of the Town where they come to Trade or Traffick is finished and delivered to the Constable or Collector, and before the next Years Assessment are gone out of the Province, and so pay nothing towards the Support of the Government, though in the Time of their residing here they reaped considerable Gain by Trade, and had the Protection of the Government;

Be it further enacted by the Authority aforesaid,

That when any such Person or Persons shall come and reside in any Town of this Province, and bring any Merchandize and Trade and Deal there, the Assessors of such Town are hereby empowered to rate and assess all such Persons according to their Circumstances, pursuant to the Rules and Directions in this Act provided, though the former Rate may have been finished and the new one not perfected as aforesaid.

Notifications to be given of the Assessment.

Persons to bring in a List

Penalty in case of a false List.

Preamble.

Transient Traders to be rated.

634 Supply of the Treasury. Water-Fowl.

And the Constables or Collectors are hereby enjoined to levy and collect all such Sums committed unto them, and to pay the same into the Town Treasury.

Proviso.

Provided always, That the General Court at their Session in May, One thousand seven hundred and forty, may, if they think fit, by an Act then to be made, apportion the aforesaid Sum of Six Thousand Pounds on the several Towns of this Province, any thing in this Act notwithstanding.

Tax may be paid in other Species besides the Bills emitted.

And be it further enacted by the Authority aforesaid That the Inhabitants of this Province shall have Liberty, if they see fit, to pay the several Sums for which they may respectively be assessed at, as their Proportion of the aforesaid Sum of Six Thousand Pounds in Bills of publick Credit of the new Tenor, according to their several Denominations, or in Bills of the old Tenor in Proportion of three to one, or in coined Silver at Six Shillings and eight Pence per Ounce, Troy Weight, or in Gold Coin at the Rate of Four Pounds eighteen Shillings per Ounce, or in Hemp or Flax; the Hemp to be received by the Treasurer at Four Pence per Pound; and Flax at Six Pence per Pound; which Hemp and Flax as soon as conveniently may, be disposed of by the Treasurer to the best Advantage, for so much as it will fetch in Bills of Credit of either Tenor, or for Silver and Gold. And if any Loss shall happen by the Sale of the aforesaid Species, or by any unforeseen Accident, such deficiency shall be made good by a Tax of the Year next following, so as fully and effectually to call in the whole Sum of Six Thousand Pounds in said Bills hereby ordered to be emitted; and if there be a Surplusage, it shall remain a Stock in the Treasury.

Bills outstanding in Dec. 1742, to be paid off in Silver and Gold.

And be it further enacted by the Authority aforesaid, That if it shall happen that any of the Bills of the new Tenor and Form by this Act to be emitted, shall be outstanding and not paid in for Taxes, or unto the Constables or Collectors of the publick Taxes, or to the Treasurer or other Receivers of publick Duties, that whosoever shall have any such Bills in his Hands or Possession, may at any time after the last Day of December, which will be in the Year of our Lord One thousand seven hundred and forty two, bring them to the Treasurer, and receive in Exchange for every Six Shillings and eight Pence of said Bills, one Ounce of Silver, or the like Value in Gold, and proportionably for a greater or lesser Sum; and the Treasurer is hereby ordered to exchange them accordingly.

CHAP. XIV.

An Act for preventing the Destruction of Wild Fowl.

Preamble.

WHEREAS the Water Fowl of divers Kinds which were wont in former Years in great Numbers to frequent the Maritime Towns of this Province, were of great Service and Benefit to the Inhabitants, both for Meat and Feathers, but are now in great Measure affrighted and driven away by many Persons, who have made Use of Floats, Rafts, Canoes, and other Vessels to follow after and shoot at them as well by Night as by Day, and do likewise shoot at them sitting from off the Land in the Night; which Practices if continued, are like to have the ill Effect to cause the Fowl wholly to desert and disuse the said Places;

For Prevention whereof,

Persons forbid to kill Water-Fowl in Floats, Canoes, &c.

Be it enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That if any Person or Persons shall at any time after the Publication of this Act, make Use of any Float, Raft, Canoe or other Vessel wherewith (by

Poor Prisoners for Debt.

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Day or by Night) to approach and shoot at any Water Fowl in any part of this Province, or shoot at any such Fowl sitting in the Night, from off the Land or Shoar; he or they so offending shall each of them forfeit and pay the Sum of Forty Shillings for every Offence; to be recovered before any Court of Record proper to try the same, or Justice of the Peace for the County where the Offence shall be committed, by Bill, Plaint or Information; the one Half to the Informer, and the other Half for the Use of the Poor in the Town where the Offence shall be committed.

This Act to continue and be in Force for the Term of Five Years from the Publication thereof, and from thence to the End of the next Session of the General Court, and no longer.

CHAP. XV.

An Act for the Relief of poor Prisoners for Debt.

BE it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,

That when any Person, during the Continuance of this Act, shall stand committed for Debt or Damages upon Execution, and shall complain that he or she hath not Estate sufficient to support him or herself in Prison, the Goaler or Keeper of such Prison shall thereupon, at the Request of the Prisoner, be obliged to apply to two of His Majesty's Justices of the Peace for the County, *Quorum Unus*, who shall thereupon make out a Notification under their Hands and Seals, to be served on the Creditor or Creditors, if he, she or they live within this Province, his or her Executor, Administrator, Agent or Attorney, by reading the same to them, or by leaving an attested Copy thereof at the Place of his, her or their usual Abode; or if out of the Province, then to be left at the Place of the usual Abode of such Creditor or Creditor's Agent or Attorney, if any such they have, at whose Suit such Prisoner is in Custody: there by signifying to him, her or them, such Prisoner's Desire of taking the Privilege and Benefit allowed in and by this Act, of the Time and Place appointed for the intended Caption of his or her Oath; which Notification shall be served at least Forty Days before the Caption, and so certified to said Justices, that so he, she or they may be present if they see cause: And such Justices are hereby Impowered to administer to such Debtor, if they think proper so to do, after they have fully examined and heard the Parties, the following Oath, *viz.*

I A. B. do upon my Oath, solemnly Profess and Declare before Almighty GOD, That I have not any Estate, Real or Personal, in Possession, Reversion or Remainder, sufficient to Support my self in Prison, or to pay Prison Charges; and that I have not since the commencing of this Suit upon me, nor at any other Time, directly or indirectly, sold, leased or otherwise conveyed or disposed of to, or intrusted any Person or Persons whomsoever with, all or any part of the Estate Real or Personal, whereof I have been the lawful Owner or Possessor, with any Intent or Design to secure the same, or to receive or expect any Profit or Advantage therefrom, or done, caused or suffered to be done any Thing else whatsoever, whereby any of my Creditors may be defrauded.

WHICH Oath being taken by such Prisoner, and Certificate thereof made under the Hands and Seals of the Justices administering the same, to the Goaler or Keeper, he shall thereupon set such Prisoner at Liberty; unless such Creditor or Creditors, his or her Executors or Administrators, Agent or Attorney, shall give Security to the Goaler or Keeper for the Payment of Seven Shillings per Week, to be applied for and towards the Support of such Prisoner

Proceedings upon the Prisoner's Desire of a Release.

Prisoners Oath.

Prisoner to be discharged or maintained by the Creditor in Case.

Prisoner, while he, she or they are detained in Prison. And it shall and may be lawful for such Goaler or Keeper to detain and keep in close Custody such Prisoner, so long as said Sum of *Seven Shillings* per Week, for and towards his or her Support, shall be paid; but upon Failure thereof, such Prisoner shall be set Liberty as aforesaid.

Poor Prisoner taking the Oath from what Execution to be discharged.

And be it further enacted by the Authority aforesaid, That when any Person standing committed upon Execution for any Debt or Damage, and hath attended the Directions of this Act, he shall only be discharged from such Execution or Executions wherein the Creditor or Creditors, his or their Agent or Attorney, were duly Notified in such manner as this Act directs, and not from any other Execution for any Debt or Damage upon which also he may or shall then stand committed, unless he take the Oath again, and attend the Directions of this Act.

Persons committed on a new Execution to receive no further Benefit of a former Discharge.

And be it further enacted by the Authority aforesaid, That if any Person, after having received the Benefit of this Act with respect to his Discharge as aforesaid, shall be again committed to Prison on any new Execution that shall or may be served upon him; he shall receive no further Benefit hereby, but be excluded therefrom; any thing in this Act to the contrary notwithstanding.

Penalty for a false Oath.

And be it further enacted by the Authority aforesaid, That in Case any such Prisoner shall be convicted of having Sold, Leased or otherwise Conveyed or Disposed of, or intrusted his or her Estate or any part thereof, directly or indirectly, contrary to the foregoing Oath, such Prisoner shall not only be liable to the Pains and Penalties mentioned in the Law for punishing of Willful Perjury, but shall receive no Benefit from the said Oath; any thing in this Act to the contrary notwithstanding.

Prisoner not taking the Oath to be remanded back to Goal.

And be it further enacted by the Authority aforesaid, That if such Prisoner at the time of the intended Caption shall not take the Oath aforesaid, or be not admitted thereto by said Justices, then he or she shall be remanded back to Goal, and shall not be intitled to the Benefit in and by this Act provided.

The Prisoners Estate liable to Execution notwithstanding his Discharge upon Oath.

And be it further enacted by the Authority aforesaid, That notwithstanding the Discharge of the Person of such Prisoner upon taking the Oath as aforesaid, all and every Judgment had and given against him or her, shall be and remain good and effectual in Law to all intents and purposes, against the Lands, Tenements, Goods and Chattels that may then or at any time afterwards belong to such Prisoner discharged as aforesaid: And it shall and may be lawful to and for such Creditor of such Prisoner discharged as aforesaid, his Executors, Administrators, Agent or Attorney, to take out any new Execution, to which shall be added by the Clerk of the Court from whence the Execution issues, the Charge (if any there be) that the Creditors have been at for the Prisoner's Support at *Seven Shillings* per Week as aforesaid, such Creditor or Creditors first making Oath before the Clerk (who is empowered to administer the same) of the Truth of what he she or they shall charge to said Prisoner for his or her Support, against the Lands, Tenements, Hereditaments, Goods and Chattels of such Prisoner, his or her Wearing Apparel, Bedding for him and his or her Family, and Tools necessary for his or her Trade and Occupation only excepted, for the Satisfaction of his or their Debt, in such Sort and Manner as he might have done if the Person of such Prisoner had never been taken in Execution.

Charges for supporting the Prisoner to be added.

Apparel Bedding & Tools excepted.

And

And be it further enacted by the Authority aforesaid,

That if the Debtor shall be agreived with the Charge added by the Clerk to said new Execution, such Debtor shall and may sue for and recover of the Creditor or Creditors, before any Court proper to try the same, fourfold the Sum which hath been levied upon him or her the said Prisoner, and shall be made to appear to such Court to be unjustly or falsely charged by the Creditor or Creditors for his or her Support as aforesaid. Remedy against a false Charge for Support.

Provided, That if the Goaler or Keeper of any Prison shall refuse or delay to Discharge and set at Liberty any Prisoner, contrary to the true Intent and meaning of this Act, every such Goaler or Keeper shall forfeit and pay to such Prisoner detained contrary to this Act, the Sum for which he or she stands committed, to be recovered by Action of Debt in any Court of Record proper to try the same. Remedy against the Goalers refusing to discharge the Prisoner.

Provided also, That this Act shall not extend to any Person or Persons in Execution for any Fine on him, her or them imposed. Proviso.

THIS Act to continue and be in Force for the Space of three Years from the Publication thereof, and to the End of the then next Sitting of the General Court, and no longer. Limitation.

CHAP. XVI.

An Act in addition to the several Acts relating to the admeasurement of Boards, Plank and Timber, and for regulating the Tale and Assize of Shingles, and also for regulating the Tale and Assize of Clap-boards.

FORASMUCH as there is great Fraud and Injustice practised by several ill-minded Persons, in the making and packing of Shingles and Clap-boards, notwithstanding the Provision made already by the Laws of this Province for the preventing the same; Preamble.

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,

That all Shingles that shall be exposed to Sale, shall be made of good sound Timber, and of the following Dimensions, *that is to say*, Each Shingle to bear eighteen Inches or fifteen Inches in Length, (according to which of those Lengths they are Sold for) and not under half an Inch thick at the thick End, and well shaved, so as to be free from winding; nor under three Inches in Breadth; and the said Shingles, of the different Lengths aforesaid, to be made up in distinct Bundles. Assize of Shingles.

And be it further enacted, That all Clap-boards that shall be exposed to Sale, shall be made of good sound Timber, and of the following Dimensions, *that is to say*, Full five Eighths of an Inch thick, five Inches wide, four Feet and six Inches long, and that they be strait and well shaved. Assize of Clapboards.

And be it further enacted, That all Shingles and Clapboards before their being sent from the Town where they were made, and at the Place of Sale before their Delivery, shall be viewed, surveyed and measured by a sworn Surveyor, and shall be by the said Surveyor mark'd with the Brand Shingles and Clapboards to be survey'd measured & mark'd.

638 **Admeasurement of Boards, &c. Affize of Staves.**

Shingles and Clapboards not marked to be forfeited Brand of the Town, upon the Hoop in which the Shingles are bundled up, and upon the Clapboard on the Outside of the Bundle. And all such Shingles and Clapboards as shall be brought to the Market, either by Water or by Land Carriage, and offered to Sale, unless they be first surveyed and marked as aforesaid, shall be forfeited; and if any Master of any Ship or Vessel shall receive on board any Shingles or Clapboards which shall not be viewed and marked as aforesaid, he shall forfeit and pay for every thousand of Shingles so unduly received *Forty Shillings*, and for every thousand of Clapboards *Ten Pounds*, to be recovered and disposed of as is hereafter directed by this Act.

Penalty on Masters of Vessels for receiving such.

Merchantable Shingles.

Defective Shingles and Clapboards to be cull'd out & burnt.

The rest to be for the Use of the Poor.

And be it enacted by the Authority aforesaid, That every Bundle of Shingles that according to the sound Judgment of the Surveyor, will hold out one with another four Inches and an half in Breadth, shall be accounted Merchantable; provided they are fifteen or eighteen Inches in Length (according to which of those Lengths they are sold for) and the least to be three Inches in Weadth, and full half an Inch in Thickness: And all Shingles and Clapboards that are not according to the Direction of this Act, to be culled out and burned: And what Shingles and Clapboards in the Bundle that are good and merchantable, where the defective ones are found, shall be delivered to the Select-Men or Overseers of the Poor of said Town, to be disposed of for the Use of the Poor of the Town where the said Shingles or Clapboards shall be offered to be sold or ship'd off; the Surveyor first paying himself for his said Service out of the Produce of the same, as is in and by this Act provided.

Surveyors Fee.

How Surveyors shall be appointed.

Penalty for not serving.

Limitation.

And be it further enacted, That the Surveyor for his Service shall be paid by the Buyer *Six Pence* per Thousand, for surveying and telling Shingles, and *Eighteen Pence* per Thousand for viewing and surveying Clapboards: And the Justices of the Peace within the several Counties of this Province, at their General Sessions to be holden next after the Publication of this Act, shall appoint Surveyors of Shingles and Clapboards in the several Towns within such County where they are made or exposed to Sale, and so from time to time annually; and where the respective Towns have not chosen such Surveyors, and that whosoever being legally chosen a Surveyor shall refuse to serve, he shall forfeit and pay the Sum of *Forty Shillings*, to be disposed of for the Use of the Poor of the Town where such Person shall be chosen. And all Fines arising by the Breach of this Act, to be recovered in any of His Majesty's Courts of Record in this Province, shall be one half to the Informer or him that shall sue for the same, and the other half to the Poor of the Town where the Offence shall be committed.

THIS Act to take Place the first Day of *January* next, and to continue for the Space of Five Years, and to the End of the Session of the General Assembly next after.

C H A P. XVII.

An Act for regulating the Affize of Staves.

Preamble.

Affize of Staves.

WHEREAS great Complaint has been made of the Insufficiency and undue Affize of the Staves exported from this Province, whereby the said Commodity is brought into disrepute abroad, and sells not the Price, nor is vendid there in such Quantities as otherwise it would;

Be it therefore enacted by His Excellency the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That from and after the last Day of *March* next, all Pipe, Hoghead and Barrel

Barrel Staves, that shall be exported from any of the Towns of this Province, shall contain and hold out the following Dimensions, viz. All Pipe Staves shall be four Feet and eight Inches in Length, three Inches broad clear of Sap, and half an Inch Thick; and all White Oak Hoghead Staves shall be three Feet and an half in Length, three Inches broad and clear of Sap, and three Quarters of an Inch thick; and all Red Oak Hoghead Staves shall be three Feet and an half in Length, three Inches broad, and three Quarters of an Inch thick; and all Barrel Staves shall be thirty Inches in Length, three Inches broad clear of Sap, and three Quarters of an Inch thick; and all well and proportionably split.

And be it further enacted by the Authority aforesaid,

That in each Maritime Town within this Province, from whence Staves are usually exported beyond Sea, there be two or more suitable Persons annually elected by such Towns, at their anniversary Meeting for the Choice of Town Officers, to be Viewers and Cullers of Staves; who shall be sworn in manner with other Town Officers, faithfully to discharge the Duty of their Office; and who shall refuse and cast by all such Staves as they judge not Merchantable, as well in respect of Worm-Holes as undue Assize; and who shall be allowed for their Time and Service therein, after the following Rates, viz. For every Thousand of Pipe Staves *Five Shillings*, and for every Thousand of Hoghead Staves *Four Shillings*, and for every Thousand of Barrel Staves *Three Shillings*, as well Refuse as Merchantable, to be paid by the Person buying the same.

Cullers of Staves to be chosen.

Their Allowance.

And be it further enacted,

That if any Merchant or other Person shall after the last Day of *March* as aforesaid, cause to be put on board any Ship or Vessel to be transported beyond Sea, any Parcel of Staves that shall not be surveyed, culled and approved as aforesaid, and certified under the Hand of one of the said Viewers, he shall forfeit the same whole Parcel, or the Value thereof. And if any Master of any Ship or Vessel, after the Time aforesaid, shall receive on board any Staves which shall not be surveyed and certified as aforesaid, such Master shall forfeit and pay the Sum of *Ten Pounds* for every Thousand of Staves so unduly received.

Staves not culled to be forfeited.

Penalty for Masters of Vessels taking Staves not culled.

Provided always, That it shall and may be lawful for any Person to cause to be cut and transported any Parcel or Parcels of Staves, for Pitchard Cask, or other of any particular Assize, provided the same be carried in distinct Parcels, and not intermixed with those of the Assize in this Act before mentioned.

Provided.

And it is further enacted by the Authority aforesaid,

That all Fines, Penalties and Forfeitures arising by Force and Virtue of this Act, shall be one half to the Use of the Poor of the Town where the Offence shall be discovered, and the other half to him or them that shall inform and sue for the same, in any of His Majesty's Court of Record within this Province.

Disposition of the Fines.

THIS Act to take Place the last Day of *March* next, and to continue for the Space of Five Years, and to the End of the Session of the General Assembly next after.

Continuance of the Act.

CHAP. XVIII.

An Act to empower the Justices of His Majesty's several Courts of Judicature to cause Warrants to be issued out for the Appointment of Petit Jurors, during the Sitting of the said Courts.

Preamble.

WHEREAS it frequently happens that many of the Jurors chosen to serve in the several Courts of Judicature within this Province, before the sitting of the said Courts, do for sundry Reasons or Pretences fail in their Attendance there, inasmuch that by means of such Failure, and also of the lawful Challenges which are made to several of those Jurors which do attend, there sometimes happens to be so great a Deficiency of unexceptionable Jury Men to serve upon the Trials of sundry Actions depending in the said Courts, as that the same cannot without manifest Danger to one or other of the Parties, in such Actions be supplied De talibus Circumstantibus;

For the Remedy hereof;

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,

Justices of the Courts empowered to issue Warrants for choosing Jurors while the Courts are sitting.

That from and after the Publication of this Act, it shall and may be lawful for the Justices of every of the aforesaid Courts, now or hereafter sitting, when and as often as they shall judge there is Occasion for so doing, at any Time during the sitting of their respective Courts, to cause new Writs of *Veni Facias* to be forthwith issued out and directed to the Constables of the several Towns within the County for and within which such Court is held, for the Appointment and Return of so many good and lawful Men to serve upon the Jury at the said Court, as shall be directed in the said Writ: Which Jurors shall be forthwith appointed and returned, in such Manner as is provided and directed in and by an Act of this Province pass'd in the Tenth Year of his present Majesty's Reign, Entitled, *An Act for the regular Appointment of Petit Jurors*; and being duly notify'd, summon'd, and return'd to the Justices of the said Court, they shall be and hereby are obliged to attend there, under such Penalty as is provided by the Act before referred to for the non Appearance of Jurors.

Limitation.

THIS Act to continue and be in Force until the Expiration of the Act above referred to, and no longer.

CHAP. XIX.

An Act for dividing the Town of Watertown, and erecting a new Town there by the Name of Waltham.

Preamble.

WHEREAS the Inhabitants of the Westerly Precinct in Watertown, within the County of Middlesex, by Reason of great Difficulties they labour under, have address'd this Court that they may be set off a distinct and separate Township, whereunto the Inhabitants of the East Precinct in said Town have manifested their Consent;

A new Town set off from Watertown, by the Name of Waltham.

Be it therefore enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the Authority of the same, That all those Lands in Watertown aforesaid, lying Westward of that Line, sometime

Sickness.

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Sometime since settled by this Court, as the dividing Line between the said East and West Precincts, viz. Beginning at Charles-River, and to be extended North-eastward, so as to run on the East side of the House of Caleb Ward, and on the same Course, being a right Line, to run on the West side of Thomas Sraight's House, and thence to continue a strait Line through said Watertown till it intersect their North Bounds, be and hereby are set off and constituted a sepearte Township by the Name of Waltham. And that the Inhabitants thereof be and hereby are vested with all those Powers, Privileges and Immunities that the Inhabitants of other Towns within this Province by Law are or ought to be vested with.

Bounds of the Town.

Insist

Votes relating to the Division of Watertown confirmed.

And be it further enacted, That all such Vores and Agreements, as have been made and entred into by the two Precincts in Watertown, as the Conditions of their Consent to a Division of the said Town into two Townships, be and hereby are ratified and confirmed to all Intents and Purposes, whatsoever.

[The Seven foregoing Acts were Published January 9. 1737.]

CHAP. XX.

An Act to prevent the spreading of infectious Sickness within the Island of Martha's Vineyard.

W H E R E A S the Island of Martha's Vineyard is so situated at that Vessels, in and outward Bound, often stop there for the Conveniency of Pilotage, and other Causes, and thereby is exposed to the Infection of the Small Pox and other malignant Distempers, which when once taken, there ensues great Danger of their spreading into the several Parts of the Island;

Preamble.

For preventing whereof;

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same,

Penalty for passing from infected Places without Licence.

That from and after the Publication of this Act, when the Small Pox, or other infectious malignant Distemper, is in more Families than one in any Town within said Island, that in such Case no Person or Persons inhabiting within half a Mile, or that have within Forty eight Hours been so near any infected House, shall presume to pass into any other Town or Place not infected, without Leave or Licence first had under the Hands either of one of His Majesty's Justices of the Peace, residing in such infected Town, or of two of the Select Men of said Town, under the Penalty of Twenty Pounds for every such Offence, to be recovered by Bill, Plaint or Information, in any of His Majesty's Courts of Record proper to try the same.

And be it further enacted by the Authority aforesaid,

Penalty for passing to infected Places without Licence.

That no Person or Persons dwelling in any Town on said Island, free from Infection, shall presume to pass into any infected House, or within half a Mile thereof, without Licence first had and obtained from under the Hands of one or more of His Majesty's Justices dwelling in the Place from whence they come, or two of the Select Men of said Town, under the Penalty of Twenty Pounds for every such Offence, to be recovered in manner as aforesaid. The Fines arising by this Act, to be one Moiety to and for the Use of the Poor of the Town that is in Danger of being infected, and the other half to him or them that shall inform or sue for the same.

THIS Act to continue and be in Force for the Space of three Years from the Publication thereof, and no longer.

CHAP.

CHAP. XXI

An Act for encouraging the making of Linseed Oyl in the County of Hampshire.

Preamble. WHEREAS at great Cost and Charge a Linseed Oyl Mill has been erected and finished in the Township of Hatfield, in the County of Hampshire, which Timothy Dwight of Northampton, Esquire, Israel Williams, Esquire, and John Fitch, Yeoman, both of Hatfield, and all in the said County of Hampshire, intend to improve in making of Linseed Oyl, which will be of great Advantage to the Publick;

Be it therefore enacted by his Excellency the Governor, Council & Representatives in General Court assembled, and by the Authority of the same, That the said Timothy Dwight, Israel Williams and John Fitch, their Heirs, Executors, Administrators and Assigns, shall have the sole Use, Priviledge and Advantage of making Linseed Oyl within the said County, for and during the full Term of Ten Years from and after the Publishing this Act, they keeping the same in Use for the Accommodation of the Inhabitants of the said County of Hampshire, when and so often as desired. And all other Persons whomsoever are hereby strictly prohibited from erecting any Mill or Mills, for the making of Linseed Oyl within the said County of Hampshire, for and during the said Term of Ten Years, under the Penalty of Five Hundred Pounds, to be recovered by the said Timothy Dwight, Israel Williams and John Fitch, their Heirs, Executors, Administrators or Assigns, by Bill, Plaint or Information, in any of His Majesty's Courts of Record, for every such Mill as shall be built and improved for making Linseed Oyl contrary to this Act.

Conditions of forfeiting said Priviledge. Provided nevertheless, That if the said Timothy Dwight, Israel Williams and John Fitch, their Heirs, Executors, Administrators or Assigns, shall discontinue the Use of the said Mill, and the Court of General Sessions of the Peace for the County of Hampshire, shall, upon Complaint thereof made, issue out a Warrant (which they are hereby enjoined to do) directed to the Sheriff of the said County, requiring him to summon a Jury of good and lawful Men within his Precinct, and cause them to be sworn before one of His Majesty's Justices of the Peace within and for the said County of Hampshire, to enquire into the Truth of the Matters complained of; and in Case the said Timothy Dwight, Israel Williams and John Fitch, their Executors, Administrators or Assigns, shall be convicted of any unreasonable or unnecessary Delay or Discontinuance of the Use of the said Mill, by the Jurys Return upon Oath into the said Court of General Sessions of the Peace, then and from thenceforth this Act to Cease, Determine, be utterly Void and of none Effect, as if the same had not been made.

CHAP. XXII

An Act in addition to an Act entitled, an Act for directing how Rates and Taxes, to be granted by the General Assembly, as also County, Town and Precinct Rates shall be assessed and collected.

Preamble. WHEREAS in and by an Act made and pass'd by the Great and General Assembly, in the Fourth Year of His Majesty's Reign, it was provided, "That when

Rates & Taxes. Additional Act relating to Hanover: 643

“ when and so often as the Treasurer of the Province shall send out his
“ Warrant of Distress against any defective Constable, Sheriff or Under She-
“ riff, the Officer executing the same, shall distrain and levy the Lands or
“ Tenements of said defective Constable, Sheriff or his Deputy for their or
“ any of their Defaults, in not collecting or not paying into the Treasury,
“ any Sum or Sums of Money, which ought to be by them collected, levied
“ and paid in as aforesaid, and cause due Appraisalment to be made of any House
“ or Lands so levied, by the Oath of two or three Freeholders in the same
“ County, (which Oath any Justice of the Peace is hereby impowered to
“ administer) and after Appraisalment to make Sale of such Houses and Lands,
“ and give good and lawful Deed or Deeds for the same; ” which Appraisal-
ment and Sale, not being sufficient to secure the Province, County or Towns where such
Lands or Tenements lye;

For Remedy whereof;

**Be it enacted by His Excellency the Governour,
Council and Representatives in General Court
assembled, and by the Authority of the same,**

That when and so often as any Warrant of Distress shall be sent forth by the
Treasurer of the Province, or Treasurer of any County, Town or Precinct,
to the Sheriff or his Deputy, or to the Coroner, to levy the Lands or Tene-
ments of any defective Constable, Sheriff or Deputy, in such Case it shall be
lawful for the Officer executing such Warrant of Distress, upon Appraisalment
made as aforesaid, to make Sale of such Houses and Lands to the highest Bid-
der, and give good and lawful Deed or Deeds for the same; having first gi-
ven publick Notice of Time and Place of Sale at least thirty Days, in the
Town where such Lands or Tenements lye, as also in the two adjacent
Towns: And in case the Produce of such Houses or Lands shall not satisfy
the Sum or Sums mentioned in said Warrant or Warrants of Distress together
with reasonable Charges arising thereon, then the Treasurer sending forth
such Warrant, shall issue an alias Execution or Warrant for such remaining
Sum or Sums; and the Officer executing the same, for want of Estate, shall
take the Body of such defective Constable, Sheriff or Deputy, and him com-
mit unto His Majesty's Goal in the County whereto he belongs, until he
shall pay the same,

Houses and
Lands of de-
fective Con-
stables, &c.
taken on Ex-
ecution to be
sold.

And if not
sufficient the
Body of such
Constable, &c.
to be taken.

CHARLXXIII.

**An Act in addition to an Act entitled, an Act for erec-
ting a new Town within the County of Plymouth, by
the Name of Hanover.**

WHEREAS in the Act intitled, An Act for erecting a new Town within
the County of Plymouth, by the Name of Hanover, there is a saving to the
Towns of Scituate and Hanover of their Interests in the common and undivided
Lands within the said Towns; and whereas the said Town of Hanover was taken
partly out of the Town of Scituate, and partly out of the Town of Abington, and
the Inhabitants of that Part of Hanover only, which was before part of the said Town
of Scituate, have an Interest in the said common Land with the Town of Scituate;
and there being some Difficulty about the Improvement and Management of the
said undivided Land, which lies in the said Town of Scituate, and which they have
not agreed to make a Division of, whose Interest therein is and hath been, viz. the mow-
ing Ground Flats, Hummock and Beach:

Preamble

Wherefore for the regular Improvement and Management of the same;

Inhabitants
of Scituate and
part of Han-
over, their
Power refer-
ring to their
common
Lands.

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the Authority of the same, That the Inhabitants of the Town of Scituate aforesaid, with that part of the said Town of Hanover which was Scituate, be and hereby are impowered to manage, improve, divide and dispose of all the common and undivided mowing Ground, Flats, Hummocks and Beach aforesaid, which lie in the said Town of Scituate, and in and by the Name of the Town of Scituate, to sue out and eject any Person or Persons who have already got into, or shall hereafter illegally take Possession of, any of the said Lands; or prosecute any Actions for Trespas on the same, and raise any Sum or Sums of Money by way of Rate on the Inhabitants of the Town of Scituate, and that part of Hanover aforesaid which was Scituate, and all in the same manner and as amply and effectually to all Intents and Purposes, as the Town of Scituate might or could have done, before the said Town of Hanover was set off as aforesaid; and that a regular Meeting of the Proprietors of said common Lands may be had.

Method for
calling a
Meeting of
said Inhabi-
tants.

The Power

Be it further enacted by the Authority aforesaid, That when and so often as ten of the Inhabitants of Scituate, or that part of said Hanover which was Scituate, are desirous of a Meeting about, or any ways concerning, the said common Land, or raising Money for defending the same, or on any other Account whatsoever, then and in that Case the Select Men of the Town of Scituate aforesaid, upon receiving the Signification of the Request of the said ten Inhabitants in Writing under their Hands, shall give an Order or Warrant to the Constable of the said Town of Scituate, directing him to warn a Meeting of the Inhabitants of the said Town of Scituate, lawfully qualified to Vote in Town Meetings, to be held at such Time and Place as the said Select Men shall appoint, giving ten Days Notice beforehand at the least: And the said Constable shall forthwith post up a Notification thereof in some publick Place in the said Town of Scituate, and in that part of Hanover which was Scituate: And the Inhabitants of the said Town of Scituate, and that part of Hanover which was Scituate, be and hereby are impowered at their Meetings, after such Notice given, to act and do in all respects relating to the said common Land in the Name of the Town of Scituate, as fully, amply and effectually to all Intents and Purposes in the Law, as they might or could have done before the said Town of Hanover was set off as aforesaid.

[The Four last Acts were Published January 16. 1737]

An Act in addition to an Act entitled, an Act for erecting a new Town within the County of Plymouth, by the Name of Hanover.

21 JY 60

B O S T O N :

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